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FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

Written statement submitted by the International Federation of Action of Christians for the Abolition of Torture (IFACAT), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[10 March 1997]

The international criminal court: the acid test for States

1. For nearly 50 years now, work has been in progress in the context of the United Nations for the creation of an international criminal court. This is not an optional extra: the juridical structure of international human rights law demands a court such as this, for there can be no real legal commitment without acceptance of the intervention of an authority responsible for noting and penalizing possible violations of the undertakings publicly entered into by States.

2. By adopting the final declaration of the World Conference on Human Rights (Vienna, 1993), all the countries of the world recommended the completion of the work related to the international criminal court. Moreover, the serious human rights violations perpetrated in the former Yugoslavia and Rwanda demonstrated to the international community the need to create a special international court in order to try the people responsible for such tragic events.

3. Today it is even clearer that it is not enough to create a juridical organ for certain situations and not for others. The effective application of juridical texts protecting human dignity cannot remain at the mercy of political opportunities or the world balance of power. This is why the United Nations decided that in 1998 a diplomatic meeting should be held with a view to adopting a draft for the international criminal court. States are therefore obliged to reveal their true intentions about human rights.

4. Certain State authorities already support the draft which has been prepared and hope that a decision will be made as quickly as possible. Other States, even though they are Members of the United Nations, make no secret of their hostility towards this draft, the principle of which is nevertheless in accordance with the logic of the commitments which they have carefully entered into. The international political community should make use of all possible means consistent with the Charter of the United Nations in order to make these States understand that they cannot be reliable partners if they persist in this obstructive attitude.

5. Another group of States, while publicly proclaiming their agreement to the creation of an international criminal court, impose conditions which are such as to strip the court of any power. For example, several countries have asked that the competence of the court be subject to the case-by-case agreement of the countries involved. This is tantamount to giving possible suspects the right to accept or refuse to be tried. There would be no reason for the criminal court to exist if possible culprits were able to challenge their judges in advance. Such political hypocrisy, in flagrant contradiction with the international juridical structure of human rights, should be strongly denounced.

6. IFACAT promises to support all efforts which would allow the aforementioned court to be established before the year 2000. IFACAT calls upon the Commission on Human Rights, at its fifty-third session, to address a solemn appeal to States, reminding them that they would bear a heavy responsibility for delaying tactics concerning the adoption of the draft statute of the international criminal court, and that the international community should draw all the necessary political conclusions from any attempt to block the proposal.